

COMMISSION ON JUDICIAL PERFORMANCE  
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FOR RELEASE  
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JUDICIAL PERFORMANCE COMMISSION INSTITUTES FORMAL  
PROCEEDINGS CONCERNING JUDGE ROBERT GEORGE SPITZER

The Commission on Judicial Performance has instituted formal proceedings to inquire into matters concerning Judge Robert George Spitzer of the Riverside County Superior Court. The commencement of formal proceedings is not a determination of judicial misconduct. The formal proceedings concern allegations that the judge (1) backdated, attempted to backdate, and/or caused or directed the backdating of orders, and violated his duty to dispose of matters promptly and efficiently; (2) failed to timely decide matters that were submitted to him for decision and filed false salary affidavits; (3) failed altogether to issue orders on certain matters; (4) failed to timely decide additional matters; (5) engaged in an ex parte communication and gave the appearance of bias in a case; (6) engaged in an ex parte communication, conducted independent investigation and demonstrated bias and embroilment in a matter; (7) engaged in an ex parte communication and exhibited bias and embroilment in a matter; and (8) failed to cooperate during the Commission's investigation. It is alleged that these actions constitute willful misconduct in office, conduct prejudicial to the administration of justice that brings the judicial office into disrepute and improper action.

In accordance with the rules that govern Commission proceedings, a hearing will be conducted by Special Masters appointed by the Supreme Court. At the hearing, the parties will have an opportunity to introduce evidence and examine and cross-examine witnesses. Judge Spitzer is represented by attorney Reg A. Vitek, Esq., of Seltzer Caplan McMahon & Vitek in San Diego, California.

Following completion of the hearing, the Special Masters will provide the Commission with a report containing findings with respect to the charges. The parties will have an opportunity to present their views on the report to the Commission through briefing and argument. If the Commission determines that charges are proved by clear and convincing evidence, it is empowered to remove, censure, publicly admonish, or privately discipline the judge. Charges that the Commission determines are not proved will be dismissed. A determination by the Commission to remove, censure, or admonish a judge is subject to discretionary review by the Supreme Court upon petition by the judge.

The Notice of Formal Proceedings is available for public inspection at the Commission office. A copy of the Notice of Formal Proceedings is also posted on the Commission's Web site at [www.cjp.ca.gov](http://www.cjp.ca.gov) (under "Press Releases"). Judge Spitzer has requested and been granted an extension of time to file his Answer to the notice; the judge's Answer is presently due September 29, 2006. Upon filing, Judge Spitzer's Answer will be made available for public inspection.

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The Commission is composed of three judges, two lawyers, and six public members. The Chairperson is Marshall B. Grossman, Esq., of Los Angeles, California.